

ORDINANCE NO. 397

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY CHANGING THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY FROM APARTMENT "A-1" TO COMMERCIAL "C" UNDER A SPECIAL PERMIT TO ALLOW THE DEVELOPMENT OF A STORAGE YARD FOR STORING AND DISPLAYING FENCING MATERIALS AND A FALLOUT SHELTER DISPLAY, AS DESIGNATED AND APPROVED BY THE CITY PLANNING COMMISSION, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; AND THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Mesquite and the Governing Body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and the State Law with reference to the granting of Special Permits under the Zoning Ordinance regulations and zoning map have given the requisite notices by publication and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the Governing Body of the City of Mesquite is of the opinion that said Special Permit should be granted subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1. That Ordinance No. 120 enacted by the City Council on May 3, 1955, be and is hereby amended insofar as the hereinafter described property is concerned, and the zoning on said property shall be changed from Apartment "A-1" to Commercial "C" under a Special Permit to allow the development of a Storage Yard for Storing and Displaying Fencing Materials and a Fallout Shelter Display, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

A tract of land situated in Dallas County, Texas, and being a part of the McKinney & Williams Survey and being part of Block 45 in the Town of Mesquite, Texas, Dallas County, Texas, more particularly described as follows: BEGINNING at the Southeast corner of said Block 45, same being 15 feet West and 150 feet South of the Southwest corner of the Jno A. McDaniel 160 acre survey, said point being 20 feet North of the Northeast corner of Lot 1, Block 2, of Frost's Addition to the Town of Mesquite; THENCE West along the South line of Block 45

and the North line of an alley 210 feet to a point for corner; THENCE in a Northerly direction 62.5 feet to a point for corner, same being the Southwest corner of said certain tract conveyed to R. S. Kimbrough by deed recorded in Volume 898, page 636, Deed Records of Dallas County, Texas; THENCE in an Easterly direction, along the South line of the Old Kimbrough tract, 207 feet to a point for corner; THENCE South, along the East line of Block 45, 75 feet to the place of beginning and being the same property conveyed to Howard E. Lang, et ux, by James J. Bogart et ux by Deed recorded in Volume 3125, page 495, of the Deed Records of Dallas County, Texas.

Section 2. That this Special Permit allowing the development of a Storage Yard for Storing and Displaying Fencing Materials and a Fallout Shelter Display, as designated and approved by the City Planning Commission on the hereinabove described property is approved and granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

(1) That a site plan shall be submitted and shall be approved by the City Planning Commission and development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning Commission;

(2) That all on-site improvements shall be specified on approved site plan;

(3) That all adjacent uses of property shall be indicated on approved site plan;

(4) That all means of ingress and egress shall be as indicated on approved site plan;

(5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures and curbs and gutters installed in accordance with the City of Mesquite requirements and as indicated on the approved site plan and the developer shall bear the total cost of all such improvements.

(6) That all off-street parking areas shall be paved with 10 ft. minimum width to the depth of the lot, as designated on site plan, and in stages as approved by the Director of Public Works;

(7) That off-street parking shall not be less than the requirement of Ordinance No. 120 for each use and occupancy;

(8) That the width of all streets and right-of-way shall be

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in conformance with the City of Mesquite thoroughfare and street plan and shall be indicated on the approved site plan, dedicated and improved to the minimum requirements of the City. A 20-foot wide strip shall be dedicated across the entire ownership as right-of-way for widening of North Galloway, prior to the issuance of building permit on any part of the said tract;

(9) That all utility services shall be shown on site plan and shall conform to the City's specifications and be as approved by the City's Engineer;

(10) That the City of Mesquite water and sanitary sewer lines shall be extended and service shall be made available at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.

(11) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type, except that in the event a gasoline filling station is approved for location on the property, a standard pole sign not exceeding thirty-six (36) square feet shall be permitted for the filling station. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign other than as stated above shall be first approved by the City Planning Commission;

(12) That a 6-foot high solid screening shall be provided around all storage areas, as shown on site plan, as specified by the City Planning Commission;

(13) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing the development of a Storage Yard for Storing and Displaying Fencing Materials and a Fallout Shelter Display, as designated and approved by the City Planning Commission, subject to certain conditions and will serve the public interest, comfort, and general welfare and requires that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

